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EXAMINER

LONG, HEATHER R

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,475

Applicant(s)

MCGARVEY, JAMES E.

Examiner

Heather R Long

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 9, 12-21 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9, 12-21 and 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 9-11, filed July 26, 2004, with respect to the rejection of claims 1-32 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of the previously applied references along with a newly found prior art references.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both the display memory (Fig. 1) and the color LCD (Fig. 2).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4, 6, 9, 12, 15-20, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorpe et al. ("The All-Digital Camcorder – The Arrival of Electronic Cinematography") in view of Suzuki (U.S. Patent 5,691,772).

Regarding claim 1, Thorpe et al. discloses a white balance picture correction process implemented in a digital camera having a processor, a memory, and a user interface, comprising the steps of: determining a white balance digital camera processing setting for a picture taking venue at a visit to the venue; saving the setting for the venue; and correcting pictures taken at a subsequent visit to the venue with the saved setting (page 23: col. 1, lines 20-36; page 24: col. 2, line 7 – col. 3, line 11; Table 5); the determining step further comprising capturing an image utilizing the digital camera and processing the captured image in the process of the digital camera to determine the white balance setting (page 22: col. 3, line 16 – page 23: col. 1, line 3); the saving step further comprising storing the white balance setting in the memory of the digital camera in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue (page 24: col. 2, lines 2-6); the memory being configurable to store the determined white balance setting for use in the

correcting step (page 23: col. 1, lines 20-26; Fig. 6). However Thorpe et al. fails to disclose that the memory is configurable to store the determined white balance setting and at least one additional white balance setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings via the user interface of the digital camera.

Referring to the Suzuki reference, Suzuki discloses a white balance correction process implemented in a digital camera, wherein the memory being configurable to store the determined white balance setting and at least one additional setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings, for use in the correcting step, via the user interface of the digital camera (col. 4, lines 57-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the teachings from Suzuki that more than one white balance setting may be stored in the same memory in the Thorpe et al. reference in order to provide the user with more than one option on each memory card, which allows the user to carry around less cards. Furthermore, once the memory card has more than one setting on it for different venues then a file identifier is needed in order to allow the user to select which setting is to be used.

Regarding claim 3, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as disclosing the saving step

comprises assigning an identifier to the setting (Thorpe et al.: page 24: col. 2, lines 2-6).

Regarding claim 4, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as disclosing the identifier comprises a file name (Suzuki: col. 4, lines 57-65; Fig. 4, col. 5, line 62 – col. 5, line 32). In Suzuki the different files have to have a filename in order for the user to select which white balancing mode they prefer in the manual mode.

Regarding claim 6, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as the saving step comprises storing the setting in a removable, non-volatile memory (Thorpe et al.: page 23, line 20; Fig. 16).

Regarding claim 9, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the correcting step is performed contemporaneous with taking of the pictures at a venue (Thorpe et al.: page 23: col. 3, line 3 – page 24: col. 1, line 6; when trying to achieve a specific image look the pictures are correcting contemporaneous with the taking of the pictures).

Regarding claim 12, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the determined setting further comprises an image sharpness setting, a contrast setting, and a colorfulness setting (Thorpe et al.: page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5).

Regarding claim **15**, Thorpe et al. discloses a process implemented in a digital camera having a processor, a memory, and a user interface, comprising the steps of: determining an image processing setting for a picture taking venue; saving the setting for the venue (page 23: col. 1, lines 20-36; page 24: col. 2, line 7 – col. 3, line 11; Table 5); the determining step further comprising capturing an image utilizing the digital camera and processing the captured image in the process of the digital camera to determine the image processing setting (page 22: col. 3, line 16 – page 23: col. 1, line 3); the saving step further comprising storing the image processing setting in the memory of the digital camera in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue (page 24: col. 2, lines 2-6); the memory being configurable to store the determined white balance setting for use in correcting one or more additional captured images (page 23: col. 1, lines 20-26; Fig. 6). However Thorpe et al. fails to disclose that the memory is configurable to store the determined white balance setting and at least one additional white balance setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings via the user interface of the digital camera.

Referring to the Suzuki reference, Suzuki discloses a white balance correction process implemented in a digital camera, wherein the memory being configurable to store the determined white balance setting and at least one additional setting for another picture taking venue, the determined white balance

setting being selectable from the plurality of stored white balance settings, for use in the correcting step, via the user interface of the digital camera (col. 4, lines 57-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the teachings from Suzuki that more than one white balance setting may be stored in the same memory in the Thorpe et al. reference in order to provide the user with more than one option on each memory card, which allows the user to carry around less cards. Furthermore, once the memory card has more than one setting on it for different venues then a file identifier is needed in order to allow the user to select which setting is to be used.

Regarding claim **16**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the determined setting further comprises a white balance setting (Thorpe et al.: page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5).

Regarding claim **17**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the determined setting further comprises an image sharpness setting (Thorpe et al.: page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5).

Regarding claim **18**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the

determined setting further comprises an image contrast setting (Thorpe et al.: page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5).

Regarding claim **19**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the determined setting further comprises an image colorfulness setting (Thorpe et al.: page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5).

Regarding claim **20**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the determined setting further comprises one of an image white balance setting, an image sharpness setting, a contrast setting, and a colorfulness setting (Thorpe et al.: page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5).

Regarding claim **27**, Thorpe et al. discloses a computer readable storage medium controlling a digital camera via a white balance setting and a file name corresponding to the white balance setting, the storage medium being configurable to store the determined white balance setting determined from images captured by the digital camera at the venues (page 23: col. 1, lines 20-36; page 24: col. 2, line 7 – col. 3, line 11; Table 5; Fig. 6; page 24: col. 2, lines 2-6), each of the white balance settings being stored in a file having a file name which allows a user of the digital camera to correlate the file name with a corresponding one of the venues (page 24: col. 2, lines 2-6), wherein the stored white balance setting is used in correcting one or more additional images captured by the digital camera (page 23: col. 1, lines 20-26; Fig. 6). However

Thorpe et al. fails to disclose that the memory is configurable to store the determined white balance setting and at least one additional white balance setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings via the user interface of the digital camera.

Referring to the Suzuki reference, Suzuki discloses a white balance correction process implemented in a digital camera, wherein the memory being configurable to store the determined white balance setting and at least one additional setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings, for use in the correcting step, via the user interface of the digital camera (col. 4, lines 57-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the teachings from Suzuki that more than one white balance setting may be stored in the same memory in the Thorpe et al. reference in order to provide the user with more than one option on each memory card, which allows the user to carry around less cards. Furthermore, once the memory card has more than one setting on it for different venues then a file identifier is needed in order to allow the user to select which setting is to be used.

Regarding claim **28**, Thorpe et al. discloses a digital camera, comprising: a sensor capturing images in an initial visit to a venue and a subsequent visit to

the venue (Fig. 10); a lens for imaging light onto the sensor; a white balance determination processing unit determining a white balance correction value from a captured image of the initial visit; a memory storing the white balance correction value from the initial visit; and a white balance correction processing unit applying the white balance correction value to the captured image of the subsequent visit producing a white balance corrected image (page 23: col. 1, lines 20-36; page 24: col. 2, line 7 – col. 3, line 11; Table 5); wherein the white balance correction value is stored in a file having an identifier which allows a user of the digital camera to correlate the identifier with the venue (page 24: col. 2, lines 2-6); the memory being configurable to store the determined white balance setting for use in the correcting step (page 23: col. 1, lines 20-26; Fig. 6). However Thorpe et al. fails to disclose that the memory is configurable to store the determined white balance setting and at least one additional white balance setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings via the user interface of the digital camera.

Referring to the Suzuki reference, Suzuki discloses a white balance correction process implemented in a digital camera, wherein the memory being configurable to store the determined white balance setting and at least one additional setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings, for

use in the correcting step, via the user interface of the digital camera (col. 4, lines 57-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the teachings from Suzuki that more than one white balance setting may be stored in the same memory in the Thorpe et al. reference in order to provide the user with more than one option on each memory card, which allows the user to carry around less cards. Furthermore, once the memory card has more than one setting on it for different venues then a file identifier is needed in order to allow the user to select which setting is to be used.

Furthermore, Official Notice is taken that it is well known in the art to take still pictures with a camcorder. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this camcorder with the option of taking continuous or still images in order to make this camcorder a more versatile camcorder.

Regarding claim **29**, Thorpe et al. discloses a digital camera, comprising: a sensor capturing images (Fig. 10); a lens for imaging light onto the sensor; a white balance determination processing unit determining white balance correction values from a captured images; a memory storing the white balance correction value; and a white balance correction processing unit applying a selected the white balance correction value to a plurality of captured images producing white balance correcting images (page 23: col. 1, lines 20-24 and 32-

36; page 24: col. 1, line 7 – col. 3, line 11; Table 5). However Thorpe et al. fails to disclose that the memory is configurable to store the determined white balance setting and at least one additional white balance setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings via the user interface of the digital camera.

Referring to the Suzuki reference, Suzuki discloses a white balance correction process implemented in a digital camera, wherein the memory being configurable to store the determined white balance setting and at least one additional setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings, for use in the correcting step, via the user interface of the digital camera (col. 4, lines 57-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the teachings from Suzuki that more than one white balance setting may be stored in the same memory in the Thorpe et al. reference in order to provide the user with more than one option on each memory card, which allows the user to carry around less cards. Furthermore, once the memory card has more than one setting on it for different venues then a file identifier is needed in order to allow the user to select which setting is to be used.

Furthermore, Official Notice is taken that it is well known in the art to take still pictures with a camcorder. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to have implemented this camcorder with the option of taking continuous or still images in order to make this camcorder a more versatile camcorder.

Regarding claim **30**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the memory comprises a non-volatile removable memory card that can be used to transfer correction value to other devices (Thorpe et al.: page 23: col. 1, line 39 – col. 2, line 4).

Regarding claim **31**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1 as well as including that the camera comprises a user interface for naming the plurality of white balance correction values and for selecting from among a plurality of named white balance correction values (Thorpe et al.: page 23: col. 1, lines 10-16 and see claim 29 above).

Regarding claim **32**, Thorpe et al. discloses a digital camera, comprising: a sensor capturing images (Fig. 10); a lens for imaging light onto the sensor; a memory storing the white balance correction value; and a white balance correction processing unit applying the white balance correction value to a plurality of captured images producing white balance correcting images (page 23: col. 1, lines 20-24 and 32-36; page 24: col. 1, line 7 – col. 3, line 11; Table 5). However Thorpe et al. fails to disclose that the memory is configurable to store the determined white balance setting and at least one additional white balance

setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings via the user interface of the digital camera.

Referring to the Suzuki reference, Suzuki discloses a white balance correction process implemented in a digital camera, wherein the memory being configurable to store the determined white balance setting and at least one additional setting for another picture taking venue, the determined white balance setting being selectable from the plurality of stored white balance settings, for use in the correcting step, via the user interface of the digital camera (col. 4, lines 57-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the teachings from Suzuki that more than one white balance setting may be stored in the same memory in the Thorpe et al. reference in order to provide the user with more than one option on each memory card, which allows the user to carry around less cards.

Furthermore, once the memory card has more than one setting on it for different venues then a file identifier is needed in order to allow the user to select which setting is to be used.

Furthermore, Official Notice is taken that it is well known in the art to take still pictures with a camcorder. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented

Art Unit: 2615

this camcorder with the option of taking continuous or still images in order to make this camcorder a more versatile camcorder.

5. Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorpe et al. in view of Suzuki as applied to claim 1 above, and further in view of D'Luna et al. (U.S. Patent 5,008,739).

Regarding claim 2, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1, except that the determining step uses a white balance reference card in a scene of the venue.

Referring to the D'Luna et al. reference, D'Luna et al. discloses a determining step in white balance processing that uses a white balance reference card in a scene of the venue (col. 5, lines 44-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of D'Luna et al. with Steinberg et al. because it is well known in the art to use a white balance reference card for a white balancing process.

Regarding claim 14, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1, except that the determining step comprises determining the white balance digital camera processing setting for the picture taking venue at a visit thereto using a white balance reference card positioned in a venue scene.

Referring to the D'Luna et al. reference, D'Luna et al. discloses a determining step in white balance processing that uses a white balance reference card in a scene of the venue (col. 5, lines 44-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of D'Luna et al. with Steinberg et al. because it is well known in the art to use a white balance reference card in a scene of a venue for white balance processing.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thorpe et al. in view of Suzuki as applied to claim 1 above, and further in view of Prabhu et al. (U.S. Patent 2001/0030695).

Regarding claim **13**, Thorpe et al. in view of Suzuki discloses all the subject matter as discussed with respect to claim 1, except that the setting further comprises a color correction matrix.

Referring to the Prabhu et al. reference, Prabhu et al. discloses a digital camera wherein the color correction matrix setting is saved to a memory (paragraph [0086]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have saved the setting further comprising a color correction matrix in order to allow for a faster camera set up time the next time the user visits the venue.

Art Unit: 2615

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thorpe et al. ("The All-Digital Camcorder – The Arrival of Electronic Cinematography") in view of D'Luna et al. (U.S. Patent 5,008,739).

Regarding claim **21**, Thorpe et al. discloses a process, comprising the steps of: determining, in a digital camera, image processing settings for picture taking venues during initial visits to the venues; assigning file name identifiers to the settings (page 24: col. 2, lines 2-6); saving the settings in a removable, non-volatile memory using the file name identifiers where at least one of the settings comprises an image white balance setting, an image sharpness setting, a contrast setting, and a colorfulness setting (page 23: col. 1, lines 20-36; page 21: col. 1, lines 28-30; Table 5; Fig. 16); and correcting pictures taken at a venues in subsequent visits to the venues, in the digital camera, with the saved settings contemporaneous with taking of the pictures at the venue (page 23: col. 1, lines 20-36; page 24: col. 2, line 7 – col. 3, line 11; Table 5; page 23: col. 3, line 3 – page 24: col. 1, line 6; when trying to achieve a specific image look the pictures are correcting contemporaneous with the taking of the pictures). However Thorpe et al. fails to disclose that the determining step comprises determining the white balance digital camera processing setting for the picture taking venue at a visit thereto using a white balance reference card positioned in a venue scene.

Referring to the D'Luna et al. reference, D'Luna et al. discloses a determining step in white balance processing that uses a white balance reference card in a scene of the venue (col. 5, lines 44-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of D'Luna et al. with Steinberg et al. because it is well known in the art to use a white balance reference card in a scene of a venue for white balance processing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-0681. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Heather R Long

Application/Control Number: 09/759,475
Art Unit: 2615

Page 19

Examiner
Art Unit 2615

HRL
December 22, 2004



TUAN HO
PRIMARY EXAMINER